REMARKS

The Non-Final Office Action (hereinafter the Action) mailed July 5, 2006 has been reviewed and these remarks are responsive thereto. Reconsideration of the present application is respectfully requested in view of these remarks. Prior to entry of this response, Claims 41-63 were pending in the application, of which Claims 41, 47, 53, 59, and 62 are independent. In the Office Action dated July 5, 2006, Claims 41-63 were rejected under 35 U.S.C. § 103(a). Following this response, Claims 41-63 remain in this application. Applicants hereby address the Examiner's rejections in turn.

Claim Rejections Under 35 U.S.C. §103

The Action rejected claims 41-53 and 55-63 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,331,546 to Webber, *et al.* (hereinafter Webber) in view of the article Which Frequent-Flier Program? (Airlines promise free travel, but their delivery record has been spotty. We identify the better programs.) Consumer Reports Travel Letter: vol. 6, no. 10, pp 112-116, October 1990. Dialog file 646; #00500249 (hereinafter Frequent-Flier Program), and further in view of U.S. Patent No. 5,855,369 to Lieberman (hereinafter Lieberman).

Claim 41

Claims 41 is rejected under 35 U.S.C. §103(a) as being unpatentable over Webber in view of Frequent-Flier Program and in further view of Lieberman. Specifically, regarding claim 41, the Action states:

> As per claim 41, Webber teaches:
> A computerized incentive system for awarding credits to persons who book travel-related reservations, the system comprising:
> (a) a computerized reservation system connected to a network;
> (b) an interface device connected to the network and configured so that a user of the interface device has access to the computerized reservation system (see column 4, lines 5-25);

(c) a reservation facility computer system connected to the network and thereby accessible to the user accessing the computerized reservation system, the reservation facility computer system configured so that the user may book a travel related reservation (see column 6, line 65 - column 7, line 3; column 16, line 42 - column 17, line 5)

(d) a conversion system connected to the network, wherein the conversion system receives an availability format and then converts the travel-related reservation contained within the availability format into a standard format (see figure 1, item 26; see column 5, lines 35-45; figure 2, item 34; column 16, lines 41-60);

Webber fails to teach:

(e) an award system connected to the network, the award system being configured to receive data concerning the travel-related reservation, wherein the award system assigns credits to a person for whom the travel-related reservation has been booked upon verification that an event relating to the travel-related reservation has occurred. However, Lieberman teaches "purchase-required-for-entry" incentive programs where businesses that participates in said programs only give prizes or awards to customers that purchase and attend said participating businesses events. Which Frequent-Flier Program discloses about frequent-flier programs where people can earn credits in various ways, such as flying, staying at hotels, renting cars and use it for variety of awards (see paragraphs 5, 6, 9, 11 , 17 and 47). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that the Webber's system would use the travelers' frequent flier numbers (see Webber column 17, lines 15-20; figure 86, item 326) to provide said travelers with offers or awards from different service providers which have frequent fliers programs, as taught by the Frequent-Flier program (see Frequent flier paragraph 54; "car rental", "Hotel"). The Webber's system would be motivated to link his system to the frequent flier programs of different service providers in order to allow frequent flier members to use the Webber's system to find not only an itinerary-with-fare combinations acceptable in terms of cost and convenience to said members but also the travel offers that let said members earn the most credits and/or awards in various way (i.e. such as flying, staying at hotels, renting cars, etc). It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that businesses that participate in a frequent flier program[1] would only give credit to customers that attend said businesses event, as taught by Lieberman in order that said businesses don't finish paying money as credit to customers that never attended said events. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that the purpose of providing an incentive program (i.e. frequent flier program) is to give

[1] Frequent Filer paragraph 18

> customers an added incentive to attend said businesses' events, as taught by Lieberman but business would not be that willing to participate in said incentive programs, if said participating businesses have to give credits or prizes to customers that never attended said businesses events. Therefore, eliminating the purpose of providing said incentive programs to said customers, which is to increase profits to said businesses due to the increase attendance.

Applicant respectfully traverses the Action's rejection. Courts have generally recognized that a showing of a *prima facie* case of obviousness necessitates three requirements: (i) some suggestion or motivation, whether in the references themselves or in the knowledge of a person of ordinary skill in the art to modify the reference or combine the reference teachings; (ii) a reasonable expectation of success; and (iii) the prior art references must teach or suggest all claim limitations. MPEP §2143; *In re Dembiczak*, 175 F.3d 994 (Fed. Cir 1999); *In re Rouffet*, 149 F.3d 1350, 1355 (Fed. Cir. 1998); *Pro-Mold & Tool Co. v. Great Lakes Plastics, Inc.*, 75 F.3d 1568, 1573 (Fed. Cir. 1996).

The references used in the Action fails at least the third prong of obviousness. Claim 41 is patentably distinguishable over the cited art for at least the reason that it recites, *inter alia*, an award system connected to the network, the award system being configured to receive data concerning the travel-related reservation, wherein the award system assigns credits to a person for whom the travel-related reservation has been booked upon verification that an event relating to the travel-related reservation has occurred.

In contrast, per Action's admission:

> Webber fails to teach:
> (e) an award system connected to the network, the award system being configured to receive data concerning the travel-related reservation, wherein the award system assigns credits to a person for whom the travel-related reservation has been booked upon verification that an event relating to the travel-related reservation has occurred." *See* Action page 3, lines 16-21.

In an attempt to overcome Webber's deficiencies, the Action relies on Lieberman. Lieberman relates to "methods and equipment specifically adapted to those prize drawing games of chance aimed at promoting a particular product or item of merchandise. . .", see Liebman column 1 lines 15-17. Liebman discloses the use of bar codes and UPCs as aids in the operation and administration of a product-promotional prize drawing game of chance. The Examiner references Liebman for the proposition that

> It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that businesses that participate in a frequent flier program[2] would only give credit to customers that attend said businesses event, as taught by Lieberman in order that said businesses don't finish paying money as credit to customers that never attended said events.

See Office Action Page 9. Applicant respectfully submits that Liebman does not teach that businesses that participate in a frequent flier program would only give credit to customers that attend said businesses event. Applicant has identified in the background of Liebman a discussion of "Purchase required for entry" games, such as prize drawings. Liebman states, "prize drawings typically require the entrant to purchase, directly or indirectly, a chance to win the offered prize. For example, theaters use patrons' numbered ticket stubs as entry forms in prize drawings; but the theater patron is required, at least indirectly and incidentally, to pay money for a chance to win the drawing, since the patron has an opportunity to participate in such a drawing only because he has purchased a theater ticket bearing a numbered stub." Column 1 lines 16-24. Liebman further states that:

> [p]urchase-required-for-entry" games of chance can be difficult to administer because they are legally problematical in some jurisdictions, where anti-lottery laws prohibit or heavily regulate prize drawing games of chance in which something must be purchased, or in which something of value must otherwise be given by the entrant, in order to have a chance at winning the prize. Hence, the administration of a "purchase-required-for-entry" game of chance may be cumbersome, expensive or even impractical altogether, especially on an interstate scale, due to difficulties in compliance with local variations in the law. Typically, however, legal objections to a prize drawing game of chance may be overcome by providing means to enter the drawing which do not require the entrant,

[2] Frequent Filer paragraph 18

directly or indirectly, to make a purchase or otherwise part with anything of value in return for a chance at winning the prize.

See Column 1 line 64 - Column 2 line 12 Accordingly, while Liebman identifies purchase required for entry games, such as prize drawings, these games were identified to set up the discussion of methods of entering prize drawings that "do not require the entrant , directly or indirectly, to make a purchase." The invention disclosed in Liebman does not require the entrant to make a purchase. Moreover, the purchase required for entry games, such as prize drawings, discussed in the background of Liebman, when combined with Webber do not result in the system claimed. Applicant respectfully disagrees that combining Webber with the statements concerning "purchase required for entry prize drawings" disclosed in the background of Liebman result in the present invention.

In addition, Frequent-Flier Program does not overcome Webber's and Lieberman's deficiencies. Frequent-Flier Program merely discloses a comparison of 12 programs as currently operated by 13 major US airlines and how well Consumer Report Travel Letter readers think these programs deliver on their promises, based on data from Consumer Report Travel Letter own survey. (Frequent-Flier Program paragraph 2). Like Webber, Frequent-Flier Program at least does not teach or suggest the verification that an event relating to the travel-related reservation has occurred.

Combining Webber with Frequent-Flier Program would not have led to the claimed invention because Webber and Frequent-Flier Program, either individually or in combination, at least do not disclose or suggest the verification that an event relating to the travel-related reservation has occurred, as recited by Claim 41. Accordingly, independent Claim 41 patentably distinguishes the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection of Claim 41.

Furthermore, the references cited in the Action fail the first prong of obviousness in that there is no suggestion or motivation, whether in the references themselves or in the knowledge of

a person of ordinary skill in the art to modify the reference or combine the reference teachings. While Applicants are not admitting that Webber, Frequent-Flier Program and Lieberman teach all aspects of the claimed invention, even if they did there is no motivation to combine the references. As the MPEP states, *absent language in the references of the desirability* of the combination, the mere fact that the references can be combined does not render the resultant combination obvious. *See* MPEP §2143.01; In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) (Claims were directed to an apparatus for producing an aerated cementitious composition by drawing air into the cementitious composition by driving the output pump at a capacity greater than the feed rate. Although a prior art device 'may be capable of being modified to run the way the apparatus is claimed, *there must be a suggestion or motivation in the reference to do so*.' 916 F.2d at 682, 16 USPQ2d at 1432.). (Emphasis Added). See also In re Fritch , 972 F.2d 1260, 23 USPQ2d 1780 (Fed. Cir. 1992).

A statement of "it would have been obvious to a person of ordinary skill in the art at the time the application was made ..." is insufficient of overcome the lack of suggestion and/or motivation in the references to combine said references. Specifically the Action states:

> It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that the purpose of providing an incentive program (i.e. frequent flier program) is to give customers an added incentive to attend said businesses' events, as taught by Lieberman but business would not be that willing to participate in said incentive programs, if said participating businesses have to give credits or prizes to customers that never attended said businesses events.

Applicants respectfully submit that the Action is relying on contentions not supported by the cited references and are impermissible hindsight reasoning. Simply stating that it would be obvious to combine three references to perform functions of Applicants invention without citing *desirably* found within the reference is impermissible. Applicants respectfully submit that in view of the arguments of Lieberman being non- analogous art, *infra*, only hindsight reasoning would lead to the inclusion of Lieberman.

If the Action continues to rely on this unsupported contention, Applicants respectfully request the Examiner to provide support. *See*, In re Zurko, 258 F.3d 1379, 59 U.S.P.Q.2d 1693 (Fed. Cir. 2001) (holding that the USPTO must point to some concrete evidence in the record to support core factual findings in a determination of patentability); Memorandum by Stephen G. Kunin, Deputy Commissioner for Patent Examination Policy (February 21, 2002)(stating that it is never appropriate to rely on common knowledge without evidentiary support as sole or principal evidence on which to base rejection); MPEP § 2144.03 (providing that the Examiner may only rely on facts outside of the record which are capable of instant and unquestionable demonstration as being "well-known" in the art and, if the Applicant traverses such an assertion, the Examiner *should cite a reference* in support of his or her position.)

Furthermore, Applicants respectfully submit that Lieberman is non-analogous art. There are two criteria in determining whether a reference is analogous: (1) whether the reference is in the field of the applicant's endeavor, regardless of the problem to be addressed, and (2) if not in the field of applicant's endeavor, then whether the reference still is reasonably pertinent to the particular problem with which the inventor was concerned. See In re Clay, 23 USPQ2d 1058, 1060-61 (Fed. Cir. 1992); In re Oetiker, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). A reference is reasonably pertinent if it is one which, because of the matter with which it deals, logically would have commended itself to the inventor's attention in considering his problem. See In re Clay, 23 USPQ2d at 1061. Thus, the purposes of both the invention and the prior art are important in determining whether the reference is reasonably pertinent to the problem that the invention attempts to solve. Id.

Applicants' invention is not in the same field of endeavor as Lieberman. The present invention, as recited by the claims, relates to a computerized incentive system for awarding credits to persons who book travel-related reservations. See specification, Field of the Invention. In contrast, Lieberman is directed to "prize drawing games of chance, equipment therefore, and method of entering, playing and administering such games." See Lieberman, col. 1, lines 11-13. To the extent that the present invention, as recited by the claims, and Lieberman each concern

fields of invention, Applicants submit that an inventor in the field of travel-related reservation systems would not reasonably be motivated or expected to look to the field of games of chance. See, e.g., In re Oetiker, 24 USPQ2d 1443, 1146 (Fed. Cir. 1992) ("It has not been shown that a person of ordinary skill, seeking to solve a problem of fastening a hose clamp, would reasonably be expected or motivated to look to fasteners for garments.").

In addition, Lieberman is not reasonably pertinent to the particular problem with which the Applicants were concerned. The purpose of Lieberman is to provide method of entering, playing and administering games of chance. See Lieberman, col. 1, lines 11-13. Again, the present invention relates to travel-related reservation systems. See specification, Field of the Invention. Moreover, in support that Lieberman is non-analogous art as related to the present invention of is the Patent Office (PTO) classification. See In re Ellis, 476 F.2d 1370, 1372, 177 USPQ 526, 527 (CCPA 1973). Lieberman has a PTO classification of 273 (Amusement devices: games)[3] and the present invention classification is expected to be 705 (Data processing: financial, business practice, management, or cost/price determination)[4] Accordingly, because Lieberman is not analogous art, the Action may not rely upon this reference.

Claim 47

Claims 47 is rejected under 35 U.S.C. §103(a) as being unpatentable over Webber in view of Frequent-Flier Program and in further view of Lieberman. Specifically, regarding claim 47, the Acton states:

> As per claim 47, Webber teaches:
> A computer implemented method of awarding credits to persons who book travel related reservations, the method comprising:
> (a) transmitting travel-related reservation information from a user via an interface device connected to a network to a computerized reservation system connected to the network (see column 4, lines 9-25);

[3] http://www.uspto.gov/go/classification/selectnumwithtitle.htm
[4] Expectation is based upon Parent Application SN: 08/892,563 now Patent No. 6,631,355 have a PTO classification of 705.

(b) converting the travel-related reservation information into a format acceptable by a selected reservation facility computer system (see column 16, lines 41-60);

(c) communicating the travel-related reservation information to a reservation facility computer system connected to the network (see column 4, lines 9-25).

Webber fails to teach:

(d) communicating the travel-related reservation information to an awards system, wherein the awards system processes the travel-related reservation information and awards credits to persons for whom the travel-related reservation have been booked upon the awards system verifying that an event relating to the travel-related reservation booked has occurred. However, Lieberman teaches "purchase-required-for-entry" incentive programs where businesses that participates in said programs only give prizes or awards to customers that purchase and attend said participating businesses events. Which Frequent-Flier Program discloses about frequent-flier programs where people can earn credits in various ways, such as flying, staying at hotels, renting cars and use it for variety of awards (see paragraphs 5, 6, 9, 11, 17 and 47). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that the Webber's system would use the travelers' frequent flier numbers (see Webber column 17, lines 15-20; figure 8B, item 326) to provide said travelers with offers or awards from different service providers which have frequent fliers programs, as taught by the Frequent-Flier program (see Frequent flier paragraph 54; "car rental", "Hotel"). The Webber's system would be motivated to link his system to the frequent flier programs of different service providers in order to allow frequent flier members to use the Webber's system to find not only an itinerary-with-fare combinations acceptable in terms of cost and convenience to said members but also the travel offers that let said members earn the most credits and/or awards in various way (i.e. such as flying, staying at hotels, renting cars, etc). It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that businesses that participate in a frequent flier program[5] would only give credit to customers that attend said businesses event, as taught by Lieberman in order that said businesses don't finish paying money as credit to customers that never attended said events. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that the purpose of providing an incentive program (i.e. frequent flier program) is to give customers an added incentive to attend said businesses' events, as taught by Lieberman but business would not be that willing to participate in said incentive programs, if said participating businesses have to give credits or prizes to customers that never attended said businesses events. Therefore, eliminating the purpose of providing said incentive

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programs to said customers, which is to increase profits to said businesses due to the increase attendance.

Applicant respectfully traverses Action's rejection and request withdrawal of said rejection. See arguments for claim 41, *supra*, in support of allowance.

Claim 53

Claims 53 is rejected under 35 U.S.C. §103(a) as being unpatentable over Webber in view of Frequent-Flier Program and in further view of Lieberman. Specifically, regarding claim 53, the Action states:

> As per claim 53, Webber teaches:
> A computer implemented method of awarding credits to persons completing travel-related purchases, the method comprising:
> (a) transmitting a purchaser identification code and travel-related purchase information via an interface system configured to covert the travel-related purchase information into a reservation system format of a selected reservation system, said interface system connected to a network to an award system connected to the network upon the completion of a travel related purchase (see column 4, lines 9-25);
> Webber fails to teach:
> (b) processing of the travel-related purchase information by the award system to verify that the travel-related purchase is complete and calculate the credits to be assigned to the person completing the travel-related purchase; and
> (c) assigning the calculated credits to the person completing the travel-related purchase, wherein the credits assigned may be exchanged for an award.
> However, Lieberman teaches "purchase-required-for-entry" incentive programs where businesses that participates in said programs only give prizes or awards to customers that purchase and attend said participating businesses events. Which Frequent-Flier Program discloses about frequent-flier programs where people can earn credits in various ways, such as flying, staying at hotels, renting cars and use it for variety of awards (see paragraphs 5, 6, 9, 11 , 17 and 47). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that the Webber's system would use the travelers' frequent flier numbers (see Webber column 17, lines 15-20; figure 8B, item 326) to provide said travelers with offers or awards from different

service providers which have frequent fliers programs, as taught by the Frequent-Flier program (see Frequent flier paragraph 54; "car rental", "Hotel"). The Webber's system would be motivated to link his system to the frequent flier programs of different service providers in order to allow frequent flier members to use the Webber's system to find not only an itinerary-with-fare combinations acceptable in terms of cost and convenience to said members but also the travel offers that let said members earn the most credits and/or awards in various way (i.e. such as flying, staying at hotels, renting cars, etc). It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that businesses that participate in a frequent flier program[6] would only give credit to customers that attend said businesses event, as taught by Lieberman in order that said businesses don't finish paying money as credit to customers that never attended said events. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that the purpose of providing an incentive program (i.e. frequent flier program) is to give customers an added incentive to attend said businesses' events, as taught by Lieberman but business would not be that willing to participate in said incentive programs, if said participating businesses have to give credits or prizes to customers that never attended said businesses events. Therefore, eliminating the purpose of providing said incentive programs to said customers, which is to increase profits to said businesses due to the increase attendance.

Applicant respectfully traverses Action's rejection and request withdrawal of said rejection. See arguments for claim 41, *supra*, in support of allowance.

Claim 59

Claims 59 is rejected under 35 U.S.C. §103(a) as being unpatentable over Webber in view of Frequent-Flier Program and in further view of Lieberman. Specifically, regarding claim 59, the Action states:

> As per claim 59, Webber teaches:
> A computerized incentive system for awarding credits to persons who book travel-related reservations, the system comprising:
> (a) an interface system connected to the network (see column 4, lines 9-25) wherein said interface system is configured to convert reservation information

[6] Frequent Filer paragraph 18

into a reservation facility data format of a designated reservation facility (see column 16, lines 42-55);

(b) a reservation facility computer system connected to the network and configured so that a user of the interface device may access the reservation facility computer system to book a travel-related reservation (see column 4, lines 9-25).

Webber fails to teach:

(c) an award system connected to the network, the award system being configured to receive data concerning the travel-related reservation, wherein the award system assigns credits to a person for whom the travel-related reservation has been booked, the award system being further configured to verify fulfillment of the travel related reservation and decrement credits previously assigned to the person for travel related reservations that are not fulfilled. However, Lieberman teaches "purchase-required-for-entry" incentive programs where businesses that participates in said programs only give prizes or awards to customers that purchase and attend said participating businesses events. Which Frequent-Flier Program discloses about frequent-flier programs where people can earn credits in various ways, such as flying, staying at hotels, renting cars and use it for variety of awards (see paragraphs 5, 6, 9, 11, 17 and 47). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that the Webber's system would use the travelers' frequent flier numbers (see Webber column 17, lines 15-20; figure 89, item 326) to provide said travelers with offers or awards from different service providers which have frequent fliers programs, as taught by the Frequent-Flier program (see Frequent flier paragraph 54; "car rental", "Hotel"). The Webber's system would be motivated to link his system to the frequent flier programs of different service providers in order to allow frequent flier members to use the Webber's system to find not only an itinerary-with-fare combinations acceptable in terms of cost and convenience to said members but also the travel offers that let said members earn the most credits and/or awards in various way (i.e. such as flying, staying at hotels, renting cars, etc). It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that businesses that participate in a frequent flier program[7] would only give credit to customers that attend said businesses event, as taught by Lieberman in order that said businesses don't finish paying money as credit to customers that never attended said events. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that the purpose of providing an incentive program (i.e. frequent flier program) is to give customers an added incentive to attend said businesses' events, as taught by Lieberman but business would not be that willing to participate in said incentive programs, if said participating businesses have to give credits or prizes to customers that never attended said

[7] Frequent Filer paragraph 18

> businesses events. Therefore, eliminating the purpose of providing said incentive programs to said customers, which is to increase profits to said businesses due to the increase attendance. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that a business that give credits to customers for attending a business' event would verify if said customer attended said event and would decrement a credit previously given to said customer, if said customer did not attend said event, as said credit can only be earned by attending said event.

Applicant respectfully traverses Action's rejection and request withdrawal of said rejection. See arguments for claim 41, *supra*, in support of allowance.

Claim 62

Claims 62 is rejected under 35 U.S.C. §103(a) as being unpatentable over Webber in view of Frequent-Flier Program and in further view of Lieberman. Specifically, regarding claim 62, the Action states:

> Claim 62 contains the same limitations as claims 41 and 44, therefore the same rejection is applied.

Applicant respectfully traverses Action's rejection. Argument for claim 41, *supra*, is hereby incorporated by reference. Regarding claim 44, see argument for claim 44, *infra*.

Claim 42-46, 48-52, 55-58, 60-61 and 63

Regarding claim 42-46, 48-52, 55-58, 60-61 and 63, Applicant submits that claims 42-46, 48-52, 55-58, 60-61 and 63 are in condition for allowance by virtue of its dependency on amended claims 41, 47, 53, 59, and 62. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Accordingly, Applicant respectfully request withdrawal of the rejections to claims 42-46, 48-52, 55-58, 60-61 and 63. Regarding the Action's additional assertions, which have not

been addressed specifically, Applicant respectfully submits that these arguments are moot in view of the above comments and the amendment to the claims.

Claim 54

The Action rejected claim 54 under 35 U.S.C. § 103(a) as being unpatentable over Webber in view of the article Frequent-Flier Program and further in view of U.S. Patent No. 6,094,640 to Goheen (hereinafter "Goheen") and Lieberman.

Regarding claim 54, Applicant submits that claim 54 is in condition for allowance by virtue of its dependency on amended claim 53. Id. Accordingly, Applicant respectfully request withdrawal of the rejection to claim 54. Regarding the Action's assertions, which have not been addressed specifically, Applicant respectfully submits that these arguments are moot in view of the above comments and the amendment to the claims.

Accordingly, in view of the above arguments, Applicant respectfully submits that claims 41-63 are in condition for allowance.

CONCLUSION

Applicants respectfully request that this Amendment be entered by the Examiner, placing the claims in condition for allowance. Applicants respectfully submit that the proposed amendments of the claims do not raise new issues or necessitate the undertaking of any additional search of the art by the Action, since all of the elements and their relationships claimed were earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Finally, Applicants respectfully submit that the entry of the Amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants respectfully submit that the claimed invention, as amended, is neither anticipated nor rendered obvious in view of the references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

The preceding arguments are based only on the arguments in the Action, and therefore do not address patentable aspects of the invention that were not addressed by the Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization set forth in the Action. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Please grant any extensions of time required to enter this amendment and charge any additional required fees to Deposit Account No. 13-2725.

Respectfully submitted,

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Date: January 5, 2007

AGG/cmr